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HOUSE BILL 775

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO PATENTS AND COPYRIGHTS; PROVIDING FOR STATE OWNERSHIP OF PATENTS OR COPYRIGHTS FOR MATERIALS OR WORKS DEVELOPED BY STATE EMPLOYEES; REQUIRING THE ECONOMIC DEVELOPMENT DEPARTMENT TO PROMULGATE RULES; ENACTING SECTIONS OF THE NMSA 1978; CREATING A FUND; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new Section 57-3C-1 NMSA 1978 is enacted to read:

"57-3C-1. NEW MATERIAL SHORT TITLE. -- This act may be cited as the "Patent and Copyright Act". "

Section 2. A new Section 57-3C-2 NMSA 1978 is enacted to read:

"57-3C-2. NEW MATERIAL DEFINITIONS. -- As used in the Patent and Copyright Act:

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 A. "department" means the economic development
2 department;

3 B. "patent" means the grant of certain property
4 rights in an invention, as defined in federal patent laws, to
5 an inventor that includes the right to exclude others from
6 making, using, offering for sale, selling or importing the
7 invention; and

8 C. "copyright" means the property rights, as
9 defined in federal copyright laws, in original works of
10 authorship. "

11 Section 3. A new Section 57-3C-3 NMSA 1978 is enacted to
12 read:

13 "57-3C-3. [NEW MATERIAL] PATENTS AND COPYRIGHTS AS STATE
14 PROPERTY. --Inventions, innovations, works of authorship and
15 their associated materials that are developed by a state
16 employee within the scope of his employment or when using
17 state-owned or state-controlled facilities or equipment are
18 the property of the state. "

19 Section 4. A new Section 57-3C-4 NMSA 1978 is enacted to
20 read:

21 "57-3C-4. [NEW MATERIAL] ADMINISTRATION OF ACT. --The
22 department shall:

23 A. be responsible for the administration of the
24 Patent and Copyright Act;

25 B. promulgate rules pursuant to the Patent and

underscored material = new
[bracketed material] = delete

1 Copyright Act;

2 C. apply, on behalf of the state, for the patent
3 protection or registration of copyright and pay the associated
4 expenses;

5 D. share with the inventor, after expenses,
6 twenty-five percent of the income collected on the invention
7 or work; and

8 E. determine, after a cost-benefit analysis,
9 whether to retain the patent or copyright for the state. "

10 Section 5. A new Section 57-3C-5 NMSA 1978 is enacted to
11 read:

12 "57-3C-5. [NEW MATERIAL] FUND CREATED. --The "patent and
13 copyright fund" is created in the state treasury. Income
14 received by the state pursuant to the Patent and Copyright Act
15 shall be deposited in the patent and copyright fund. Money in
16 the patent and copyright fund is appropriated to the economic
17 development department to carry out the provisions of the
18 Patent and Copyright Act. Any unexpended or unencumbered
19 balance remaining in the fund at the end of a fiscal year
20 shall not revert to the general fund. "

21 Section 6. APPROPRIATION. --Sixty thousand dollars
22 (\$60,000) is appropriated from the general fund to the patent
23 and copyright fund for expenditure by the economic development
24 department in fiscal years 2002 through 2004 to provide
25 training for state agencies and employees and to promulgate

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1 rules pursuant to and carry out the provisions of the Patent
2 and Copyright Act. Any unexpended or unencumbered balance
3 remaining at the end of fiscal year 2004 shall not revert to
4 the general fund.

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